

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.3.403 pertaining to)
replacement licenses)

To: All Concerned Persons

1. On July 26, 2007, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-332 regarding a public hearing on the proposed amendment of the above-stated rule at page 995 of the 2007 Montana Administrative Register, Issue No. 14.

2. The department has amended ARM 12.3.403 as proposed.

3. The department received five comments regarding the proposed amendment. All supported the general principle of requiring a second replacement license to be purchased at a department office. A summary of the comments appears below with the department's responses:

Comment 1: When a person who has multiple tags has lost a license (such as areas where a hunter may purchase additional antlerless deer licenses) he/she would not be able to replace more than a single tag.

Response: The intent here is that if a person were to lose a number of tags and go in for replacement, that transaction would be treated as a single replacement.

Comment 2: I agree with the proposed fee but suggest increasing replacement cost by one and a half to two times or half the original cost of the tag.

Response: Current statute specifically limits the cost of replacement licenses to \$5.00.

Comment 3: My suggestion will encourage people to be more responsible. Simply put: a lost license should simply not be replaced.

Response: There are instances where a license is legitimately lost, misplaced, or destroyed. The proposed rule would address legitimate loss while controlling unlawful and capricious purchase of replacements.

Comment 4: Any license that was lost, stolen, or destroyed could only be replaced with a signed affidavit of affirmation at a department regional or area office.

Response: Currently, an affidavit is required for replacement. The proposed rule would require the purchaser to complete the affidavit at a department regional or area office only after the second replacement in a two-year period.

Comment 5: A replacement should only be granted twice in any five-year period.

Response: The department believes that the proposed rule using a two-year replacement period, along with monitoring of replacement purchases, will provide an adequate safeguard for the unlawful use of licenses as well as encourage greater care with legitimately purchased replacements.

/s/ Christian A. Smith

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Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Rebecca J. Dockter

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Rule Reviewer

Certified to the Secretary of State August 27, 2007.